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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

* * *

Date of Decision: April 02, 1992.

OA 209/92

AMRIK SINGH

... APPLICANT.

Vs.

UNION OF INDIA

... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant ... Shri D.C. Vohra,
Counsel.

For the Respondents ...

1. Whether Reporters of local papers may be allowed to see the judgement ?

2. To be referred to the Reporters or not ?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicant, in this application, filed a Writ Petition No.1108/85 before the Delhi High Court which was transferred to the Tribunal and registered as TA No.1181/85. In that Writ Petition, the applicant has prayed that he should be treated as retired from the government service w.e.f. 24.7.1979. This application

was disposed of by the judgement dated 31.5.1991 by the Principal Bench. The prayer of the applicant was allowed and he was entitled to get proportionate pension and all other retirement benefits, admissible under the rules. After the decision of this judgement the applicant on 3.9.1991 made a representation to the respondents that interest on gratuity be also paid to him in accordance with the Govt. of India's decision No.1, below Rule-68 of CCS Pension Rules. The applicant, accordingly, was paid by the order dated 22.10.1991 the interest Rs.9502/-. After this, the applicant on 18.11.91 again requested for interest on pension which had not been paid in time and the same was rejected by the order dated 26.11.91. It is stated that there was no order of the Tribunal to award interest on pension. In this application, the applicant has prayed that a direction be issued to the respondents to pay interest @ 12% per annum on gratuity the delayed payment of pension, and other retirement benefits in terms of the order of this Tribunal dated 31.5.1991.

2. The respondents contested the application.

None is present on behalf of the applicant nor on behalf of the respondents.

3. The order dated 31.5.1991, in its operative portion, as is reproduced below; too does not allow

any award of interest and only directs that the applicant would be entitled to proportionate pension and all other retirement benefits, admissible under the Rules. The operative part of the order dt.31.5.1991 is reproduced below:-

"In the facts and circumstances of the case, we hold that the applicant must be treated to have retired from 24.07.1979 and that he would be entitled to proportionate pension and all other retirement benefits admissible under the Rules. The respondents shall pass the necessary orders in this behalf and release the pension and all other retirement benefits to the applicant within a period of three months from the date of receipt of this order.

We further hold that the holding of ex parte enquiry against the applicant by the impugned Memorandum dt.09.08.1978 and the passing of the impugned order dt.15.02.1985 whereby he was sought to be dismissed from service are not legally sustainable and we set aside and quash the same.

There will be no order as to costs."

Since the amount of DCRG was not paid in time and was withheld, so the interest to the tune of Rs.9502/- was paid. In fact, the applicant himself after this judgement claimed interest only on DCRG. At that time he did not claim any interest on other retirement benefits. It is after thought that the applicant again on November, 1991 desired interest on pension etc.

4. The respondents in their exhaustive counter have given the detailed reasons complying with the judgement dated 31.5.1991 and that the interest has been paid to him which the applicant was entitled.

5. In view of the above facts, the application is devoid of merit and is dismissed.

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(J.P. SHARMA) 26493
MEMBER (J)